

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**SIERRA CLUB, AMERICAN LUNG
ASSOCIATION, ENVIRONMENTAL DEFENSE
FUND, AND NATURAL RESOURCES DEFENSE
COUNCIL,**

Plaintiffs,

vs.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; GINA MCCARTHY,** in
her official capacity as Administrator of the
United States Environmental Protection
Agency,

Defendants.

Case No.: 13-cv-2809-YGR

**ORDER GRANTING PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AND DENYING
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT**

Plaintiffs Sierra Club, *et al.* ("Sierra Club"), have filed their Motion for Summary Judgment (Dkt. No. 42), and Defendant United States Environmental Protection Agency, *et al.* ("EPA"), have filed their Cross-Motion for Summary Judgment as to Remedy (Dkt. No. 44). The matter came on regularly for hearing on April 29, 2014.

Having carefully considered the papers submitted and the pleadings in this action, and for the reasons set forth below and on the record at the hearing, the Court **DENIES** Defendants' Cross-Motion for Summary Judgment as to Remedy and **GRANTS** Plaintiffs' Motion for Summary Judgment.

EPA failed to identify a detailed project plan, with internal deadlines and clearly identified deliverables, to justify the additional six weeks it sought beyond the timeline proposed by Sierra Club. Along those same lines, EPA did not offer evidence to explain the need for the additional

1 time, such as parameters and standards by which they calculated the estimated time for review of
2 comments, or evidence from the Clean Air Scientific Advisory Committee (“CASAC”) concerning
3 its best estimate of the time it will need to provide its advice and recommendations about the
4 revision to the ozone NAAQS. EPA’s gross generalities simply do not establish that the deadlines
5 it proposes constitute the most expeditious timetable for final action under the circumstances.

6 Accordingly, EPA is **ORDERED** to:

7 (1) issue a Proposed Rule based on its review of the national ambient air quality standards
8 (“NAAQS”) for ozone in accordance with 42 U.S.C. §7409(d)(1) no later than **December 1, 2014**;
9 and

10 (2) issue a Final Rule based on such review no later than **October 1, 2015**.

11 This order terminates Docket Nos. 42 and 44.

12 **IT IS SO ORDERED.**

13 Dated: April 30, 2014

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15 YVONNE GONZALEZ ROGERS
16 UNITED STATES DISTRICT COURT JUDGE
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